

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

Application No. : 09/477,365 Confirmation No. 9145
Applicant : W. S. Lai
Filed : January 4, 2000
Group Art Unit : 2616
Examiner : S. Blount
Docket No. : 1999-0492

Title : UPSTREAM BANDWIDTH ALLOCATION FOR
PACKET TELEPHONY IN A SHARED-MEDIA
PACKET-SWITCHED ACCESS NETWORK

Mail Stop Issue Fee
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450.

**PETITION UNDER 37 CFR §1.181 TO WITHDRAW HOLDING OF
ABANDONMENT**

This is a petition under 37 CFR §1.181 to withdraw a holding of abandonment as set forth in a Notice of Abandonment dated July 26, 2006. The Notice of Abandonment indicates that the above identified application was abandoned for failure to timely file corrected drawings as required by the Notice of Allowability. As set forth in further detail below, formal drawing were, in fact, filed and acknowledged by the PTO. Therefore, Applicant requests withdrawal of the holding of abandonment. In order to expedite issuance of this application, Applicant submits herewith another set of replacement drawings.

This application was filed with informal drawings on January 4, 2000 as application Ser. No. 09/477/365.

Six sheets of formal drawings were filed as replacement drawings on August 30, 2004. The PTO acknowledged receipt of these drawings with a

return receipt postcard stamped September 2, 2004. A copy of these drawings along with a copy of the return receipt postcard is attached hereto as Exhibit 1.

An Office Action dated December 1, 2004 indicated on the Office Action Summary sheet that the drawings were accepted.¹ A copy of the Office Action cover sheet and the Office Action Summary sheet are attached hereto as Exhibit 2.

On September 23, 2005 Applicant submitted a replacement drawing sheet 2/6 to correct a typographical error in Fig. 2A. The PTO acknowledged receipt of this drawing sheet with a return receipt postcard stamped September 26, 2005. A copy of this drawing along with a copy of the return receipt postcard is attached hereto as Exhibit 3.

After further prosecution, a Notice of Allowability issued on March 7, 2006. That Notice indicated that corrected drawings were due. That Notice is attached hereto as Exhibit 4.

On April 12, 2006 the undersigned Attorney had a telephone conference with Examiner Steven Blount. Examiner Blount indicated to the undersigned Attorney that the PTO did receive the filed formal drawings, and that further formal drawings were not necessary. This telephone conference is summarized and confirmed in an Interview Summary dated April 12, 2006 which states:

Mr. Blount also told Mr. Weinick new drawings are not required, since they have already been submitted.

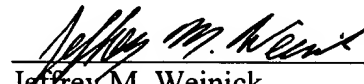
Further, a Supplemental Notice of Allowability mailed April 19, 2006 along with the Interview Summary has no requirement of corrected drawings. The Supplemental Notice of Allowability and the Interview Summary are attached hereto as Exhibit 5.

¹ The Office Action Summary sheet indicates that the drawings filed on "02 June 2004" were accepted. Applicant assumes this was a typographical error and that the date should have been 02 September 2004".

In view of the above facts, Applicant requests withdrawal of the holding of abandonment in this application. As the issue fee has been paid, Applicant requests expedited issuance of this application.

In order to expedite issuance, Applicant is submitting herewith another copy of replacement drawings for this application.

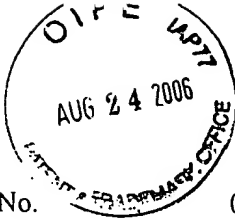
Respectfully submitted,



Jeffrey M. Weinick
Reg. No. 36,304
Attorney for Applicant
Tel.: 973-533-1616

Date: August 21, 2006
AT&T Corp.
Room 3A-234H
One AT&T Way
Bedminster, NJ 07921

EXHIBIT 1



IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Application No. 09/477,365 Confirmation No. 9145
Applicant : W. S. Lai
Filed : January 4, 2000
Group Art Unit : 2661
Examiner : S. Blount
Docket No. : 1999-0492

Title : UPSTREAM BANDWIDTH ALLOCATION FOR PACKET TELEPHONY IN A
SHARED-MEDIA PACKET-SWITCHED ACCESS NETWORK

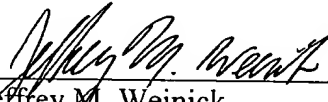
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

REPLACEMENT DRAWINGS

Sir:

Attached hereto please find six (6) sheets of drawings to replace the drawings currently on file.

Respectfully submitted,



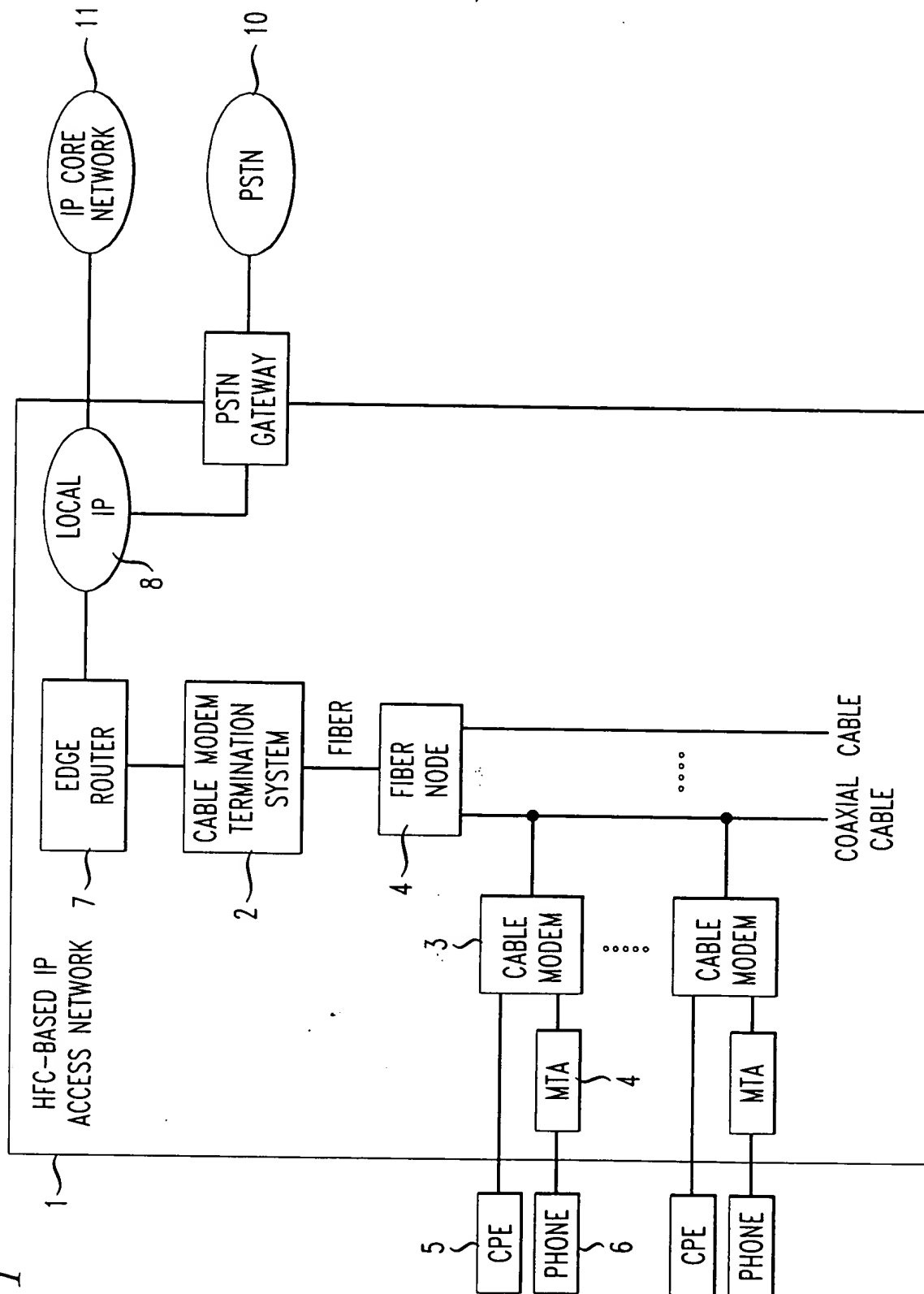
Jeffrey M. Weinick
Reg. No. 36,304
Attorney for Applicant
Tel.: 973-533-1616

Date: August 30, 2004
AT&T Corp.
Room 2A-207
One AT&T Way
Bedminster, NJ 07921

1/6



FIG. 1



2/6

FIG. 2A

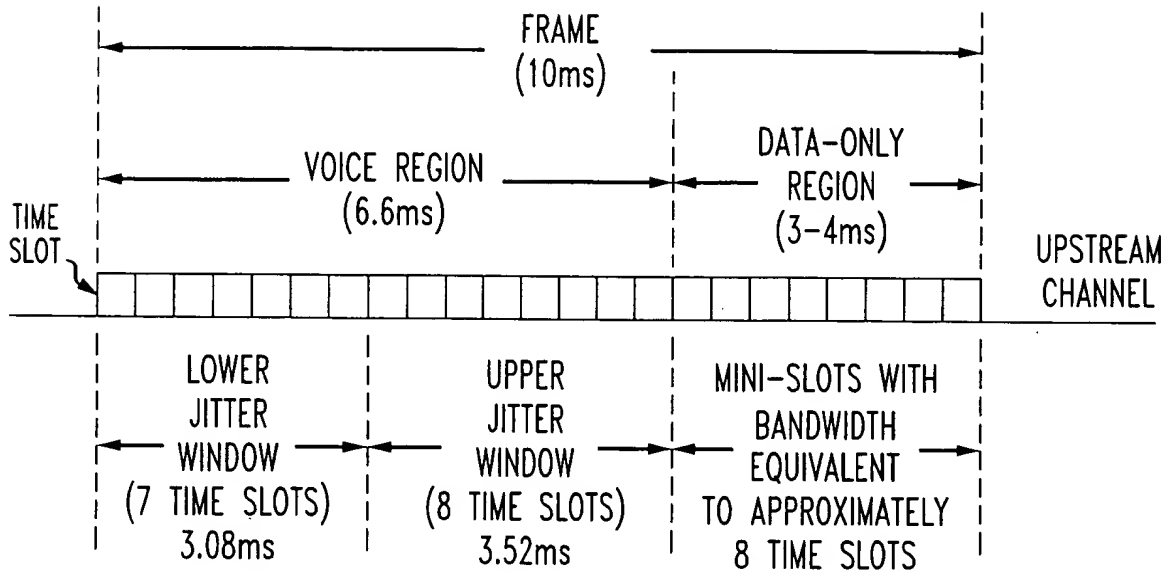


FIG. 2B

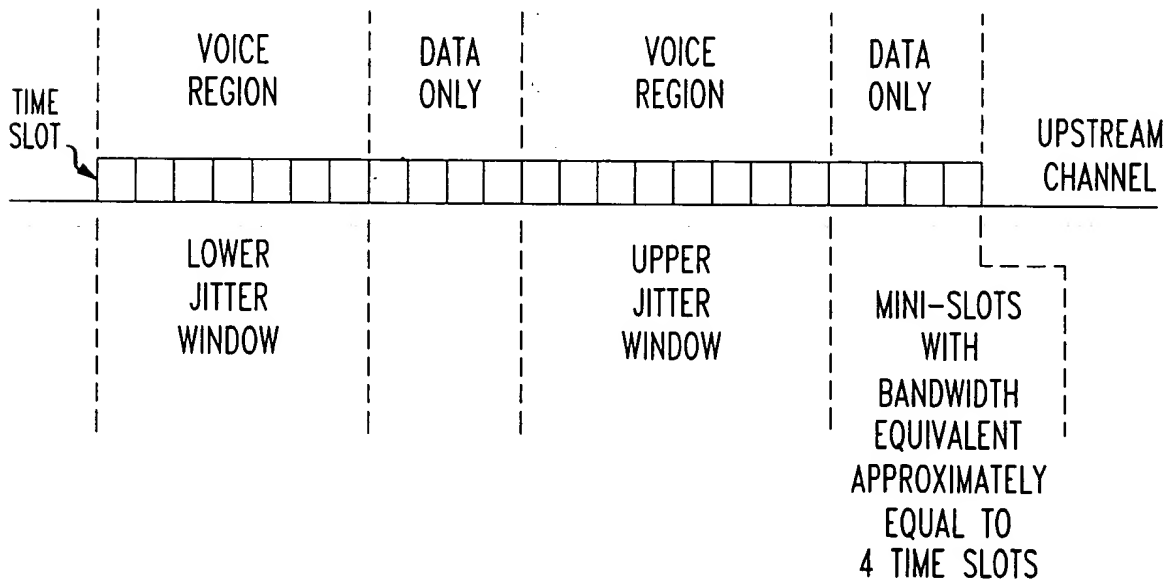
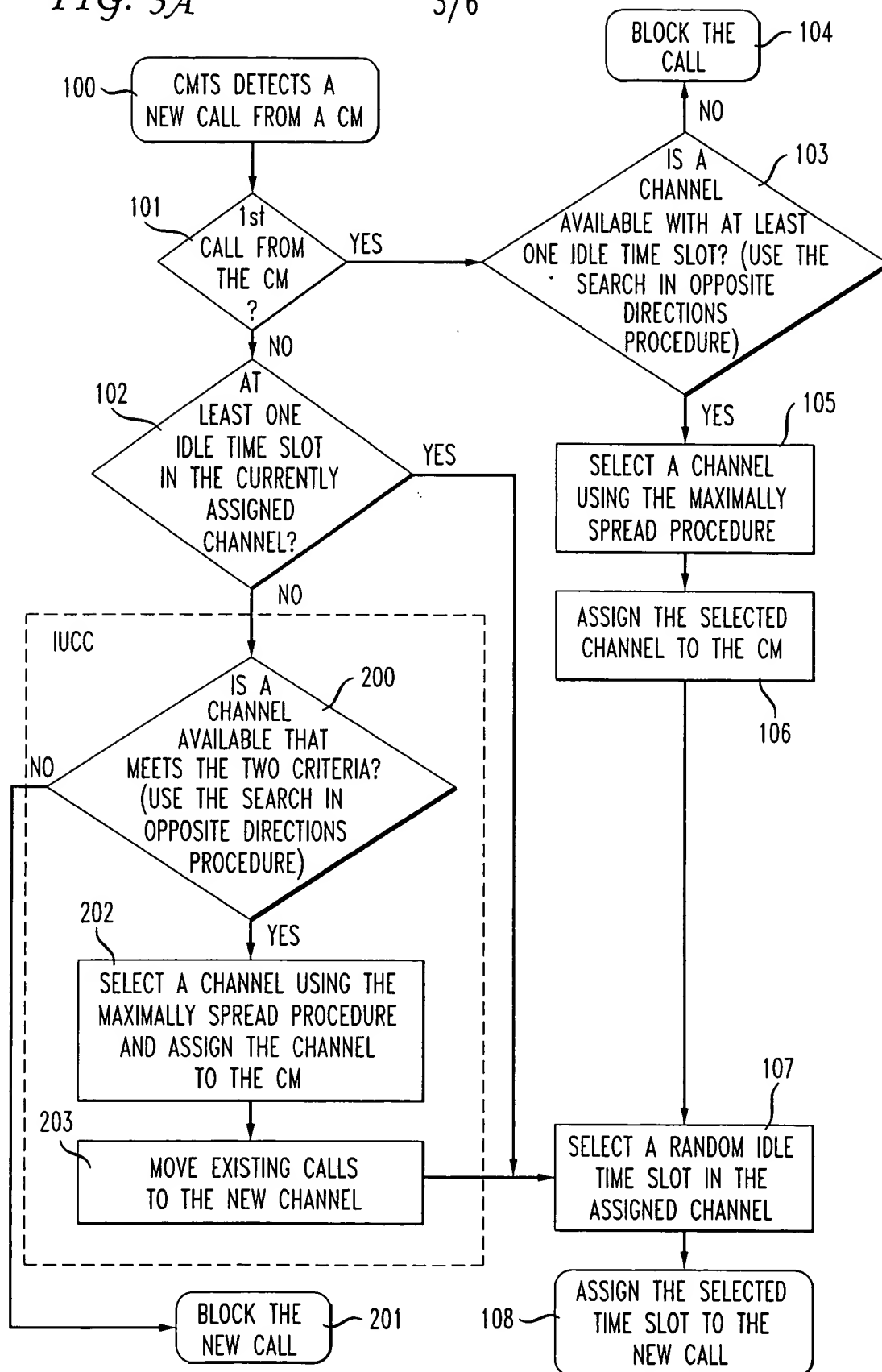


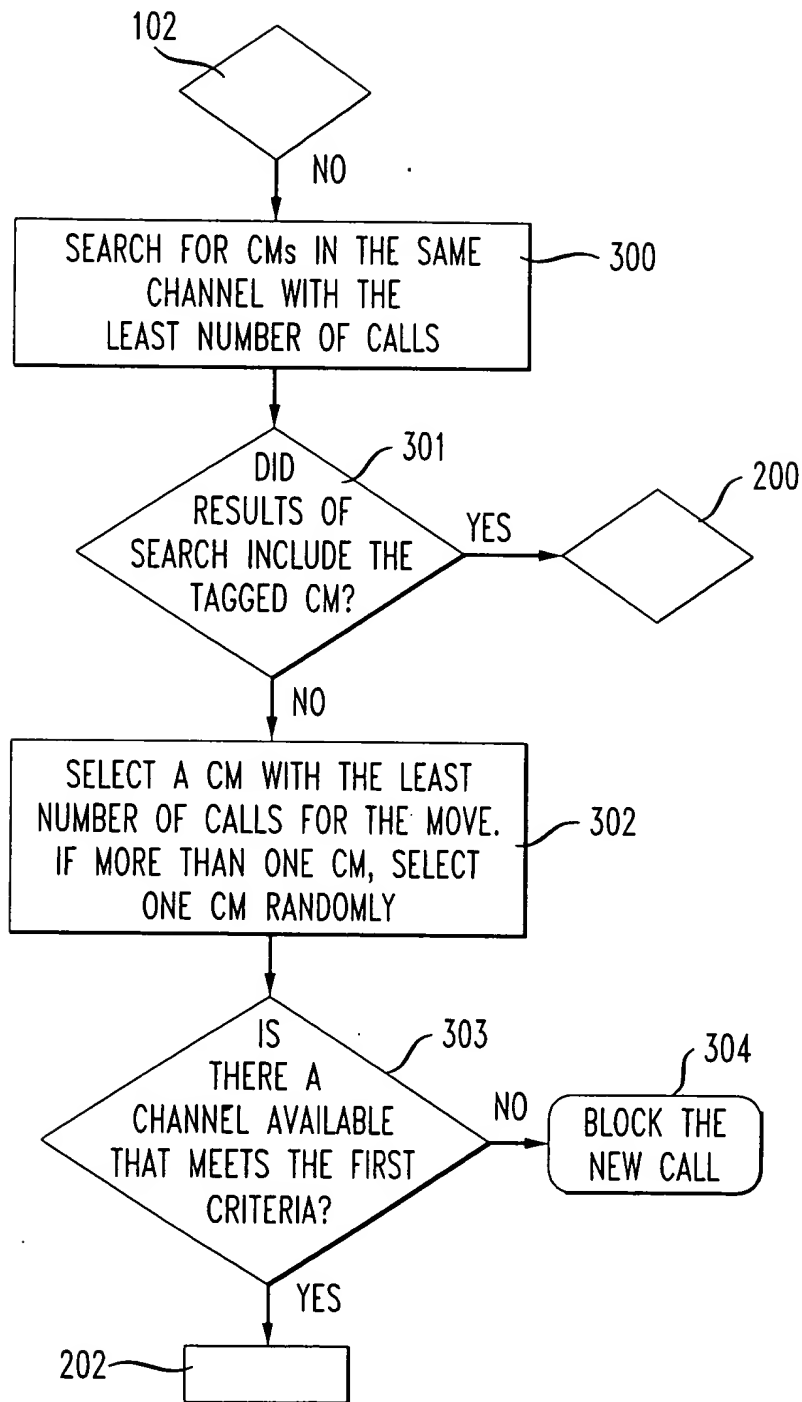
FIG. 3A

3/6

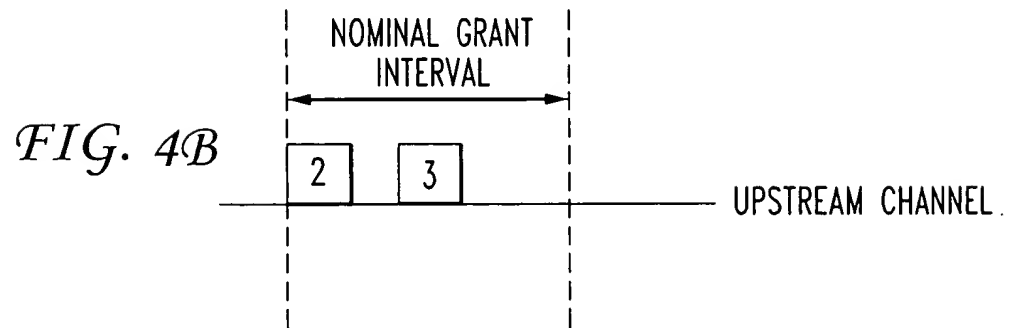
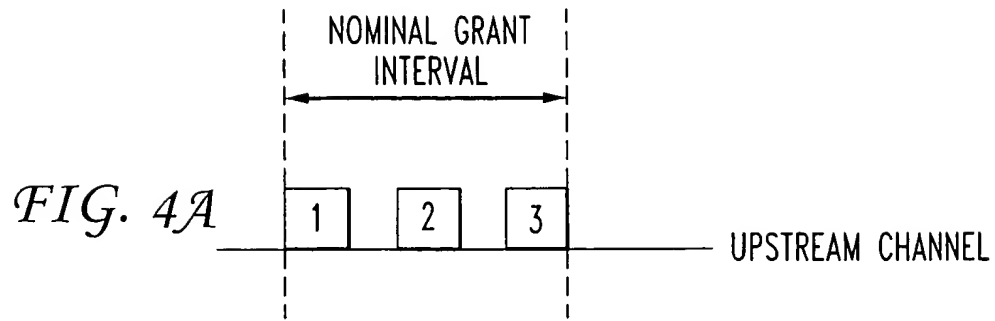


4/6

FIG. 3B

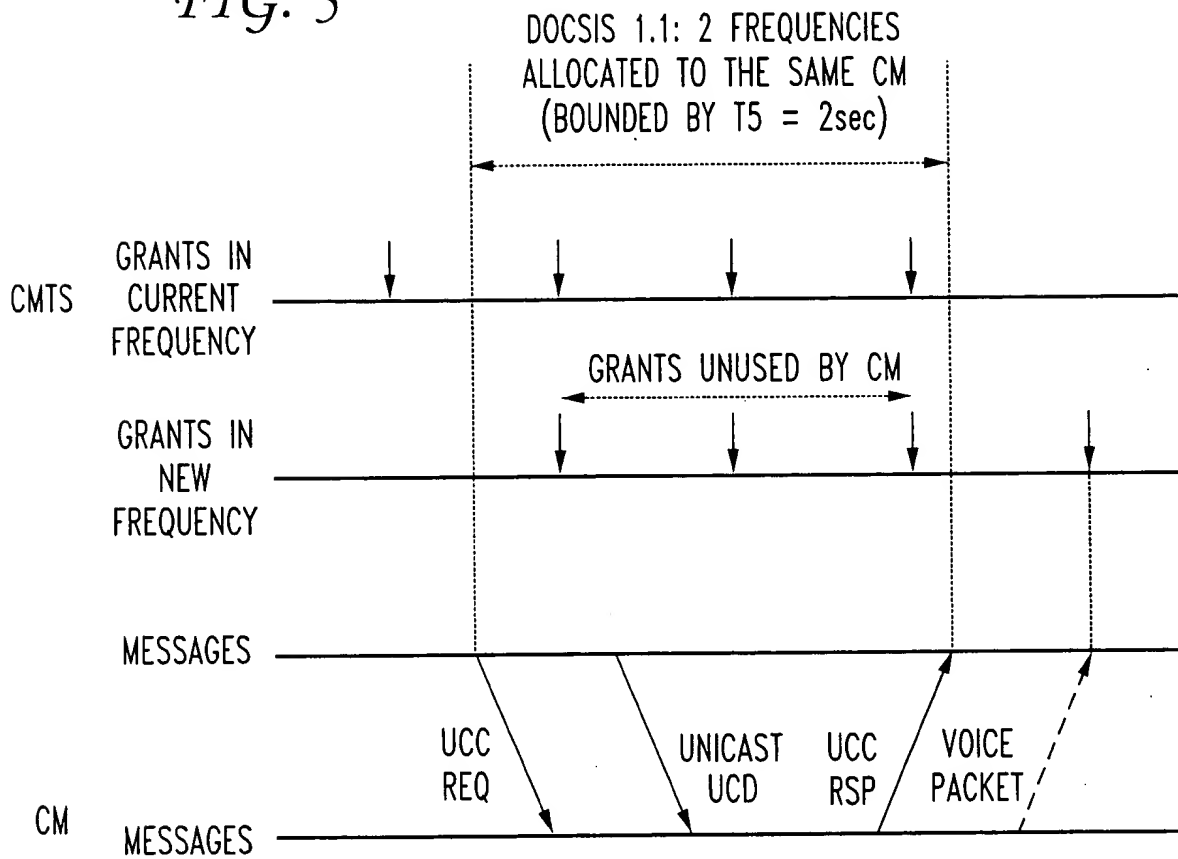


5/6



6/6

FIG. 5



Application No. : 09/477,365
Applicant : W. S. Lai
Docket No. : 1999-0492/1020-0001USA
Filed : January 4, 2000
Group Art No. : 2661

Title: UPSTREAM BANDWIDTH ALLOCATION FOR PACKET TELEPHONY IN A SHARED-MEDIA PACKET-SWITCHED ACCESS NETWORK

U.S. Patent and Trademark Office acknowledges receipt of the following:

- Request for Continued Examination Transmittal (1 page)
- Fee Transmittal (1 page)
- Credit Card Authorization Form (1 page)
- Amendment (15 pages)
- Petition for Extension of Time (1 page)
- Replacement Drawings Letter (1 page) along with six (6) sheets of drawings



EXHIBIT 2



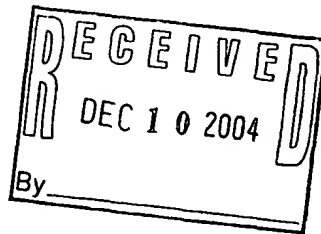
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/477,365	01/04/2000	WAI SUM LAI	1999-0492	9145
26652	7590	12/01/2004	EXAMINER	
AT&T CORP. P.O. BOX 4110 MIDDLETOWN, NJ 07748			BLOUNT, STEVEN	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary	Application No.	Applicant(s)	
	09/477,365	LAI, WAI SUM	
	Examiner	Art Unit	
	Steven Blount	2661	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3 - 13, 18, and 20 - 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3 - 13, 18, and 20 - 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

EXHIBIT 3

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

Application No.	:	09/477,365	Confirmation No.	9145
Applicant	:	Wai Sum Lai		
Filed	:	January 4, 2000		
Group Art Unit	:	2661		
Examiner	:	Steven Blount		
Docket No.	:	1999-0492		
Title	:	UPSTREAM BANDWIDTH ALLOCATION FOR PACKET TELEPHONY IN A SHARED-MEDIA PACKET-SWITCHED ACCESS NETWORK		

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

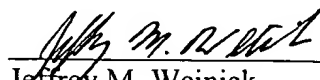
REPLACEMENT DRAWINGS

Sir:

Attached hereto please find one (1) drawing sheet to replace drawing sheet 2/6 currently on file.

Replacement drawing sheet 2/6 filed herewith corrects a typographical error in the corresponding replacement sheet filed on or about August 30, 2004. In particular, Fig. 2A of the earlier filed replacement sheet contained a parenthetical of "(3-4 ms)" associated with the DATA-ONLY REGION. However, that parenthetical should read "(3.4 ms)". The correct parenthetical was included in Fig. 2A as originally filed with this patent application.

Respectfully submitted,



Jeffrey M. Weinick
Reg. No. 36,304
Attorney for Applicant
Tel.: 973-533-1616

Date: September 23, 2005
AT&T Corp.
Room 2A-207
One AT&T Way
Bedminster, NJ 07921

2/6

FIG. 2A

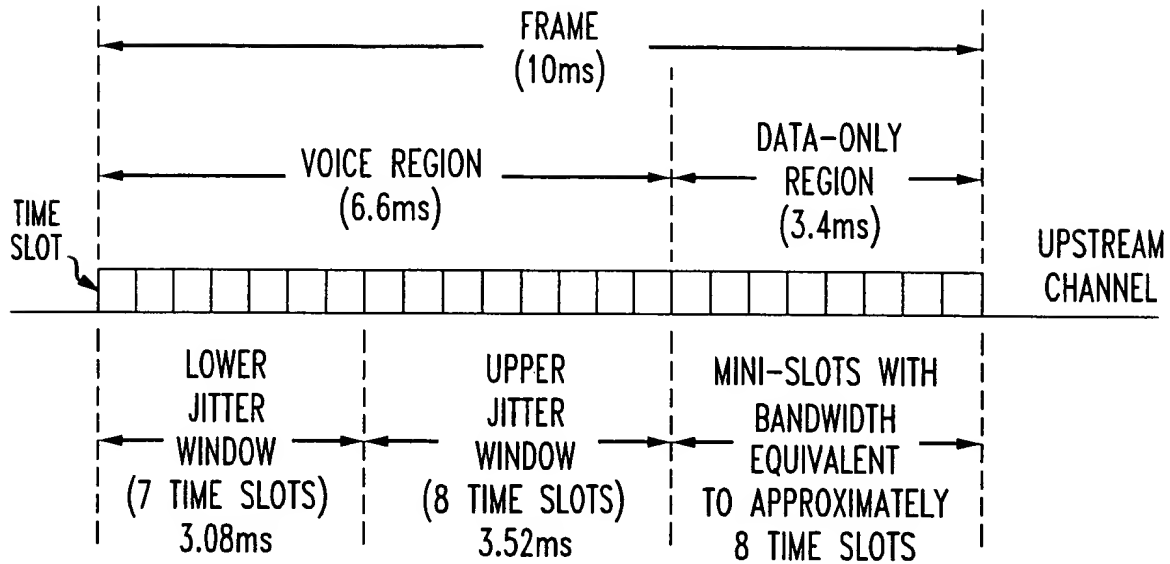
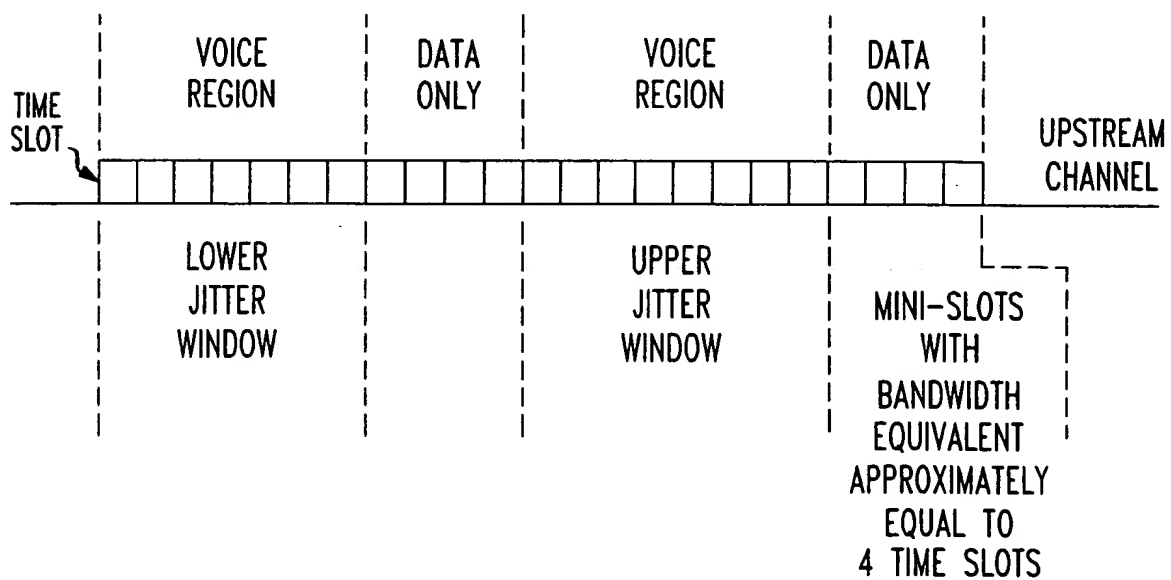
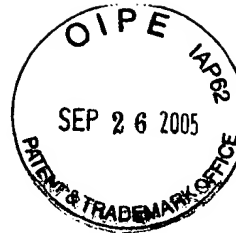


FIG. 2B



Application No. : 09/477,365
Applicant : W. S. Lai
Docket No. : 1999-0492/1020-0001-USA
Filed : January 4, 2000
Group Art No. : 2661



Title: UPSTREAM BANDWIDTH ALLOCATION FOR PACKET TELEPHONY IN A SHARED-MEDIA
PACKET-SWITCHED ACCESS NETWORK

U.S. Patent and Trademark Office acknowledges receipt of the following:

- Transmittal Form (1 page)
- Notice of Appeal (1 page)
- Replacement Drawings Letter (1 page) along with one (1) drawing sheet
- Credit Card Payment Form authorizing payment of \$500.00 for Notice of Appeal Fee (1 page)

EXHIBIT 4

Notice of Allowability	Application No.	Applicant(s)	
	09/477,365	LAI, WAI SUM	
	Examiner	Art Unit	
	Steven Blount	2668	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Notice of Appeal filed 12/16/05.
2. ☒ The allowed claim(s) is/are 1, 3 - 13, 18, 20 - 28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Alfred H. Hsu
 ALFRED H. HSU
 SENIOR EXAMINER

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted. *(Drawings Informal)*
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|---|

EXHIBIT 5



UNITED STATES PATENT AND TRADEMARK OFFICE

1020-0001-USA(Jmw)

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/477,365	01/04/2000	WAI SUM LAI	1999-0492	9145

26652 7590 04/19/2006

AT&T CORP.
ROOM 2A207
ONE AT&T WAY
BEDMINSTER, NJ 07921

EXAMINER

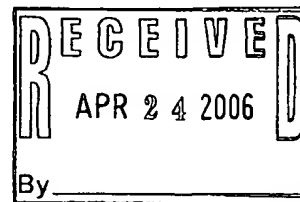
BLOUNT, STEVEN

ART UNIT	PAPER NUMBER
----------	--------------

2616

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



**Supplemental
Notice of Allowability**

Application No.

09/477,365

Examiner

Steven Blount

Applicant(s)

LAI, WAI SUM

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview of 4/12/06.

2. ☒ The allowed claim(s) is/are 1, 3 - 13, 18, 20 - 28.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 4/12/2006.

7. ☒ Examiner's Amendment/Comment

8. ☐ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____

**DORIS H. TO
SUPERVISORY PATENT EXAMINER**

Interview Summary	Application No.	Applicant(s)	
	09/477,365	LAI, WAI SUM	
	Examiner	Art Unit	
	Steven Blount	2616	

All participants (applicant, applicant's representative, PTO personnel):

(1) Steven Blount. (3) _____.

(2) Jeffrey Weinick. (4) _____.

Date of Interview: 12 April 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____.

Claim(s) discussed: 26.

Identification of prior art discussed: None.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Mr. Weinick gave Mr. Blount permission to make the changes reflected in the Examiners amendment. Mr. Blount also told Mr. Weinick new drawings are not required, since they have already been submitted.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Steven Blount 4/12/06
Examiner's signature, if required